

REMARKS

Claims 1-5 are pending in the present application.

Claim rejection under 35 USC §102:

Claims 1-5 have been rejected under 35 U.S.C. 102(b), as being anticipated by Angelo. Applicant respectfully disagrees.

The present application includes limitations neither disclosed nor suggested by Angelo. For example, step (b) includes “ending software and/or software and hardware drivers which do not have said idle state support;” Angelo, does not state anything about software that does have idle support and software that does not have such support. The present invention, however, only applies to systems running these two kind of software applications as it is typical in automation systems.

Furthermore, step (c) includes “initiating said idle status of said operating system by placing software and/or software and hardware drivers which have idle state support into the idle state;” Again, Angelo does neither disclose nor mention anything about software that supports an idle state. Thus, Angelo does not and cannot teach to put such software into an idle state.

Next, step (g) includes “generating a request to discontinue the temporary interruption by means of an identifying signal after any desired time period;” Angelo does neither mention nor suggest this step. Even if a power up step is implied in an “hibernation mode” or in a “power savings mode”, Angelo still does not disclose how such a wake up procedure will be executed. Thus, the following steps of (h) “loading the saved status data;” (i) “activating all necessary hardware and software drivers;” (j) “activating an application software and/or at least one software service;” and (k) “starting said at least one software application and/or at least one software service for which there is no idle state support,” are completely lacking in Angelo.

Angelo is only concerned with a specific system management interrupt routine which handles the shutdown. Nowhere in Angelo is any distinction mentioned or suggested that two types of software applications (with and without idle support) can be executed and how a

power-up routine is implemented. According to the present invention, the system puts software which supports the idle mode into idle state and shuts down programs which don't support the idle state by storing their status into a non-volatile memory. Then, upon power up, all software that was executed before the shutdown will be executed again.

According to Angelo, upon a power down request the programs are simply terminated. However, the system does not start these terminated programs after the idle mode is ended and the system is powered up again. Nowhere in Angelo is such a mechanism disclosed or suggested.

Applicant, therefore, believes that the present claim 1 is allowable. The dependent claims 2-5 include all the limitations of the independent claim 1 and are, therefore, allowable at least to the extent of claim 1.

Therefore, Applicant respectfully requests allowance of the present set of claims.


CONCLUSION

The application as defined in the pending claims is patentable under 35 U.S.C. §112 and §102 in view of the cited prior art. Therefore, applicants respectfully request withdrawal of the rejection and allowance of all pending claims.

Applicants do not believe that any other fees are due at this time; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to this document, the Commissioner is authorized to deduct the fees from Deposit Account No. 02-0383, (*formerly Baker & Botts, L.L.P.*) Order Number 071308.0276.

BAKER BOTTS, L.L.P.

Date: November 30, 2004

By: 
Andreas H. Grubert
(Limited recognition 37 C.F.R. §10.9)
One Shell Plaza
910 Louisiana Street
Houston, Texas 77002-4995
Telephone: 713.229.1964
Facsimile: 713.229.7764
AGENT FOR APPLICANTS